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V.—THE MADRAS FOREST (AMENDMENT) BILL—APPOINTMENT OF
CHAIRMAN OF THE SELECT COMMITTEE.

* The Hon. the PRESIDENT:—"I wish to make an announcement that I appoint Diwan Bahadur C. S. Ratnasabhapatil Mudaliyar as the Chairman of the Select Committee on the Madras Forest (Amendment) Bill (Bill No. 22 of 1935)." 4 p.m.

II.—ADJOURNMENT MOTION *RE* ALLEGED GOVERNMENT INTERFERENCE IN DISTRICT BOARD ELECTIONS IN WEST GODAVARI—*cont.*

* Mr. P. PEDDI RAJU:—"Mr. President, Sir, I beg to move—

'that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the interference of the Government in the district board elections in West Godavari district.'

"Sir, the matter is of recent occurrence because the elections to the district board were held on the 28th of last month and there was no opportunity for the Council to agitate this matter because the last Council met in August; and it has become a matter of urgent public importance because the Government have had recourse to passing of orders quite against the statute and the rules made by the Government and they have taken an action which would be subversive of all constitutional principles and that is, the executive Government should not interfere in the matter of elections either to panchayats or to local boards or for that matter any elections in the Presidency. Now, Sir, I am referring to three orders specifically which the Government have issued recently. As regards the first—I do not know the exact date of the order—the Government seem to have sent a wire on the 26th of last month setting aside certain elections after the results were declared and the names of the district board members were gazetted in the *Fort St. George Gazette*, dated 22nd October 1935. Sir, the results were declared on the 15th October and the election officer sent the results to the Press and the *Fort St. George Gazette* published the results on the 22nd October. Then, the Government Order comes as a surprise on the 26th October. I do not know to whom the Government Order was actually sent, but I may mention this fact, a copy of it, dated 29th October, was sent to one of the members, and was received on the 30th October."

* The Hon. the PRESIDENT:—"May I know the number of the Order of the Government?"

Mr. P. PEDDI RAJU:—"So far as the copy of the Government Order is concerned, its number is 4435, L. & M., dated 29th October 1935. May I, Sir, in this connexion, point out that the elections were held on the 28th October . . ."

* The Hon. the PRESIDENT:—"May I just intervene and inform the hon. Member that to-day I have been able to secure a copy of the Government Order No. 4435, L. & M., dated 29th October 1935, and it deals with three cases regarding three circles, namely, Circle No. 2,

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Circle No. 4 and Circle No. 1. I may also inform him that one of these cases is before a court of law; and the hon. Member has observed this morning that he was not going to refer to that particular matter which is before the court of law. But I feel that, when the Government Order has been issued with regard to three similar cases and one of them is before a court of law, it stands to reason that if two of these cases are discussed on the floor of this House, it is quite possible that such discussion will vitiate, or influence or prejudice the enquiry to be held in the court of law about the one case which is similar. With a view to have a reasonable debate upon this adjournment motion and with due respect to the case which is *sub judice*, I would advise the hon. Member not to discuss anything connected with the particular Government Order. He might take up the other points and debate upon them."

MR. P. PEDDI RAJU:—"May I make a submission, Sir. So far as these three cases are concerned, two matters, Nos. 1 and 3 have gone to the court prior to the Government Order. There were election petitions pending in the District Court, West Godavari, long before the Government Order was issued from this place. After the matter became *sub judice* the Government issued orders. There is another case which has gone up to the High Court after the Government Order was issued. So, my submission is that I will not refer to the matter which is pending in the High Court in which the primary point raised was regarding the validity of the stoppage . . ."

* THE HON. THE PRESIDENT:—"If the Government have issued a Government Order when a matter is *sub judice*, it is not necessary that the hon. Member should discuss a question which is also *sub judice*."

MR. P. PEDDI RAJU:—"Then, Sir, I will omit reference to these two circles, namely 3 and 1, and I shall confine myself to the policy of the Government in regard to the issue of the Government Order setting aside the election and ordering the cancellation of valid nominations by the election officer."

* THE HON. THE PRESIDENT:—"That, as I have already stated, will not be within the limits of the debate to-day."

MR. P. PEDDI RAJU:—"I shall bow to your ruling, Sir. I have stated the facts so far as they are concerned. Now, Sir, I shall deal with another fact and that is, how the Government have interfered in the elections. The elections, as I have already submitted, were conducted on the 28th, that is the date of the polling. The elections were all complete and then, Sir, on the afternoon of the 29th a telegram was issued by the Government stopping the counting of votes in a particular *firka* where there were two candidates to be elected, and that is the *firka* of the present president of the district board. So far as that is concerned, I would like to place certain facts before the House as to how the Government came to interfere. Unfortunately, Sir, this Council or the Members of this Council have not been treated properly by the Government. I have asked the Secretary to give me a copy of the order stopping the elections and I received a reply from the Assistant Secretary that he has been asked to state that a copy of the order is not

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available at present. I do not know what the meaning of those words is. Perhaps the Government want to keep us in the dark. When they have sent an order to a subordinate officer, the original must be here and I think the House is entitled to a copy of it. That is how the Government have been treating this House. Quite apart from that, I have got definite information to say that a telegram has been received by the Government on the afternoon of the 28th October 1935 saying: "The police have joined the Congress, stop counting votes in Attili firka, explaining in person." I want to ask the Government whether it is a fact that such a telegram has been sent by the present president of the district board. Unfortunately, we are kept in the dark. That is the version given to me. Further, Sir, the president of the district board has not come here for the last five days, but he has come here only yesterday. Is that the way that Government should deal in such matters? Should not the Government take an explanation or some statement from the president and then pass orders? The proper course for the Government to take is, if there is any trouble, they ought to have called for a report from either the Collector or the District Election Officer or the Tahsildar, who is in charge of elections in that particular taluk or from the polling officer. In this connexion, I would just refer to the rules of the Government. Rule 24-B says that, if there is any trouble either by disturbance or rioting, polling is to be stopped or if polling cannot conveniently be held, the polling officer is to stop the polling and report the fact to the election authority, and the election authority can order the continuation of the poll on some other day or order a re-polling at the polling station. That is the only rule under which a polling can be stopped, that is, either on account of a riot or disturbance or other accident or any act of God. Now, Sir, in this case, the disturbance was reported not by the polling officer, not even by the election officer or the election authority. In this case, I would also mention another fact and that is, the Personal Assistant to the Inspector of Local Boards was in the district at that time to supervise the conduct of elections. He has not sent any information to the Government; the district election officer has not sent any information; the Tahsildar has not sent any information, nor even the polling officer. Moreover, the information has to go, according to the rules, to the election authority and not to the Government. Who is the election authority? The Government have appointed the Inspector of Local Boards as the election authority and it is he that has to stop the polling. And, when once he is appointed as the election authority, I do not know under what provision Government have come in the way. Sir, this morning, the Hon. the Chief Minister was pleased to say that he interfered under section 38 of the Local Boards Act. From what I see from section 38 of the Local Boards Act, it is not so. Probably the Hon. Minister must have been reading the old edition of the 1920 Act and not the present Act. What section 38 of the old Act says is: 'The Local Government may by order in writing suspend any resolution of any local board or any order issued by any local board or president or cancel such resolution or order or suspend or cancel any licence granted by any board or president or prohibit the doing of any act which is about to be done or in

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pursuance or under colour of the Act.' Therefore, Sir, in those days elections had to be conducted by the presidents of local boards themselves. So, it was interpreted at the time that it was an act of the president of the board and Government could interfere. In a particular case the matter went up to the High Court—it is a case reported in 50, Madras Law Journal. It so happened that the election officer who was the president of a union board, set aside the election and conducted a fresh election. The Government had to interfere and the case went up to the High Court and they stated that it came under the Act and so the Government could interfere. So, having found that it was a wrong interpretation of the section in the Act at the time, Government amended the Act and the present Act of course gives all these powers and then there is a proviso which says: 'Provided that nothing in the sub-section shall enable the Local Government to set aside any election which has been held.' This proviso must evidently have been ignored by the Government at the time of the passing of this order. In this case, the election has been held and I do not know whether the Government can interfere. Now, according to section 38 of the present Act 'the Local Government may by order in writing prohibit the doing of any act which is about to be done or being done in pursuance of or under colour of this Act if in their opinion such resolution, order, licence, permission or act has not been legally passed, issued or granted or authorized.' Section 38 refers to the action of the president or the board and not to the subordinate of the Government who has been specially deputed to be the election officer under the rules framed under the Act. I do not understand how this section is made applicable to this case. It says:

'The Local Government shall, before taking action on any of the grounds referred to in clauses (a) and (b) of sub-section (1), give the authority or person concerned an opportunity for explanation.'

There is no question of taking an explanation for there is no such thing as the board or its president but an authority subordinate to Government which has been invested with certain powers. I do not think Government can rely on this section. As I stated before, there is not such a thing as the board or the president thereof. The election is being conducted by a statutory authority subordinate to the Government. I wonder how Government can interfere in this case.

"Sir, in Tinnevely district, I understand there were acts of violence at the time of polling and the Government were asked to interfere at the time. The Government did not interfere. Why? Because the person who made the representation to the Government did not belong to their party; he was a Congressman. No heed was paid to his representations. Sir, in the present case, the president of the district board wired in his personal capacity to the Government. Did the Government receive any other complaint from any of its officers? The Government knows that the Personal Assistant to the Inspector of Local Boards, who was deputed to supervise the conduct of the elections, was there. Did they ascertain anything from him? So much for the omissions. I shall just refer to the facts.

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“ In Attili firka, the native place of the president, district board, who also happens to be Public Prosecutor of the place, there was a contest, not between the president and others, but between his party candidate and a Congress candidate. Naturally there was brisk canvassing. On the night previous to the election a bus with Congress volunteers was going along. There was a raid on the bus; it was smashed and several of the inmates were injured and one of the men lost his upper set of teeth. The police interfered and arrested certain people whether rightly or wrongly; the matter is to be decided by a court of law. At any rate the police took action and arrested certain people who were supposed to have taken part in the violence. Next morning information was sent round to the District Superintendent of Police, Circle Inspector and the Sub-Collector and everybody came including the Tahsildar who is in charge of the elections. They were all there for a sufficiently long time and were immensely glad that polling was going on very peacefully. I personally happened to be there for about two hours, at the time of polling between 9 to 11 o'clock. I can assure the House that there was no violence or rioting and no disturbance at all and polling went on smoothly. The voting strength of that place is about 1,800 of whom 1,700 came and polled. Does it show that there was any disturbance or difficulty in polling with the result that the election would be affected? Is it the information that the Government received?

“ What is the power under which the Government issued those orders? Rule 24 (b) which is a new rule gives power to the polling officer to stop election and take instructions from the election authority. As I said before, the election officer and the polling officer and the officers who were responsible for the peace and order of the place, namely, the Circle Inspector and the District Superintendent of Police were there, and there was supervising authority, the Sub-Collector who is an I.C.S. officer. (Interruption by Sir Patro.) In reply to the hon. Knight from Ganjam, may I say that the election officer, the Tahsildar is a Nayudu, though the Sub-Collector is a Brahman.”

* The Hon. the PRESIDENT:—“ It would be much better either for Sir A. P. Patro or the hon. Mover not to bring in personalities into this debate, especially subordinate officers of the Government.”

MR. P. PEDDI RAJU:—“ If the hon. Knight had kept quiet, I would not have made any reference to it, Sir. I am not here to support the officials of Government. It is for my Hon. Friend, the Revenue Member, to take care of the services. (The Hon. Mr. C. A. Souter: ‘ Why do you drag me in? ’) I am in the Opposition and I will take every opportunity to condemn any subordinate of the Government who is at fault.

“ The Government said that they interfered under Rule 35 of the Election Rules. Rule 35 of the Election Rules says:

‘ if any question arises as to the interpretation of these rules otherwise than in connexion with an enquiry held under the rules for the decision of disputes as to the validity of an action, the question shall be referred to the Local Government whose decision shall be final.

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(2) Pending the decision of the Local Government on any such reference made to them . . . it shall be lawful for the Local Government to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the Local Government under this rule shall be void and of no effect whatsoever.'

If the election officer is in doubt as regards the meaning or interpretation of the rules, he can ask the Government to give the interpretation. The Government can then step in and say: 'I am going to consider the question of interpretation. Therefore stop the elections.' They can order like that. I am afraid there was no question of interpretation of the rules that the Government were considering in this matter. I cannot understand if any asked the interpretation of Rule 35 of the rules framed under the Act for the conduct of elections under which Government are asked to interfere. I don't know how the Government have stated that under Rule 35 and section 38 of the Act, under the powers vested in Government, they have interfered. Perhaps the Government meant to say that they issued the Government Order under Rule 35. I ask if that was the point. Giving a general reply this morning the Hon. the Chief Minister has been kind enough to state that under powers vested in them under Section 38 and Rule 35 they interfered. But as I said, the stopping of election is *ultra vires*; the only power vested is in the election authority who is the Inspector of Local Boards and not the Government. The action of the Government has been arbitrary.

"The Government have acted on the information of a particular outside individual. As I said, in other cases they were not kind enough to pass any orders, though telegrams were sent that there were violence and disturbances. The Government have been kind enough to help their candidate. If the Government want to set aside the election as they did in the other case and if re-polling is to take place, the people will be perfectly willing and I throw out a challenge to the Government to order a re-polling immediately and get their candidate succeed in the election. I have not the slightest objection to such a course being adopted; but I am finding fault with the Government for the way in which they behaved. Is it constitutional Government? Did they care for the rights and privileges of the people? Do they think that the franchise qualification given under the constitution is not to be freely exercised by the people? Is it the policy of the Government to interfere at every stage and see that their men come through the election to the exclusion of men from other parties?

"I would also refer to a previous instance about three years ago when the Inspector of Local Boards asked the Government to interfere in the matter of similar nominations. The then Minister and the then Secretary were kind enough to say that they had absolutely no powers. I do not know if they did not exercise those powers, because their party men were not there. They have not used similar powers on similar reports and I would ask the Government to look into the old records to see what they have done on previous occasions. Let them see the difference in the interpretation given by Mr. Conran Smith and my hon.

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Friend, Mr. Russell. Is not the interpretation given by the late Mr. Muniswami Nayudu different from the interpretation given by the Hon. the Raja of Bobbili? "

* The Hon. the PRESIDENT:—" Is that with regard to nomination? "

Mr. P. PEDDI RAJU:—" I am generally discussing the question and I want to ask the Government to look into the old records."

The Hon. Sir K. V. REDDI NAYUDU:—" It will be interesting to know wherefrom the hon. Member got this information."

Mr. P. PEDDI RAJU:—" Mr. Conran Smith himself said that he could not interfere in the affair and I have seen the order. All that I ask the Government is whether they have consulted the legal adviser in the matter of interpretation, when the Government passed the order saying that they have no power of interfering at one time and saying now that they have got the power of interfering."

* The Hon. the PRESIDENT:—" May I remind the hon. Member that he need not discuss about the question of nominations."

Mr. P. PEDDI RAJU:—" I am not referring to nomination. But Bu I am asking whether . . ."

* The Hon. the PRESIDENT:—" If it is the policy of the Government that the hon. Member is debating upon, he is at liberty to do so, but with regard to the nominations, I think he should avoid any further debate thereon."

Mr. P. PEDDI RAJU:—" I ask the Government if they have consulted their legal officers. If they had consulted the Solicitor or the Advocate-General, they would have given the advice in five minutes. They are all in Madras (An hon. Member: 'They are all Brahmans.'). I do not know if they are all Brahmans; but the Solicitor is not a Brahman. My question is whether by taking these extraordinary powers in their hands and setting aside acts done by a constituted authority by a fiat, they are guided by statutes or rules or whether they have only *zabardast* statute which guides them."

"Then, Sir, one other fact that I want to bring to the notice is, the Government have received a telegram from the President who is losing saying, 'Stop elections' and then the next day, Sir, Government pass an order saying that the life of the Board is extended from 1st November to 30th November. Under the old constitution, as it is, the term of members ceases on the 30th October. Government have notified by means of a Government Order under the powers vested in them under the amended Act. The elections were held before November and they were completed. Suddenly they saw throughout the district how the partymen are losing and they have postponed the elections by extending the term of existing members from the 1st November to the 30th November. Is there a justification for this? Have they not realized that the term of a member should cease on 1st November? I am told that it is being said on the other side that for administrative convenience they have

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extended the term. I do not know what is the administrative convenience. The elections have been completed. The Collector is to be nominated as member and it is only after that the new members have to be given notice of election of the President. The Collector will be in charge before the new President is elected and before the new President takes charge. The new President would have come in on the 1st of December. Instead of that he will come in January. What is the purpose of Government in passing such an order or passing such an order in such an hurried manner? Is it because they thought that their party failed throughout the Presidency, Sir? Or is it because that their partymen had not time enough to put their houses in order because they have been engaged in elections for the past two months and they must have respite, at least a month's time, to see that everything is in order. I have just now received a telegram that in our district two hundred transfers had been made after the 28th October of village schoolmasters drawing 10 and 15 rupees. The telegrams states: President District Board abusing power; transferred 200 employees after elections; contemplates 300 more transfers. (Laughter.) Appointing unqualified men in place of permanent qualified people; great resentment prevails in the district."

Mr. G. SIMHACHALAM PANTULU:—"I do not know if the hon. Member is interested in exposing the administration of the previous President like this."

* The Hon. the PRESIDENT:—"The hon. Member may continue."

Mr. P. PEDDI RAJU:—"I am not exposing the action of the President. Is it for this purpose that the Government have extended the period of the life of members of the present board? This is a telegram which I received an hour back referring to contemplation also. At least can I ask the Government to issue orders to all Presidents not to transfer any people for the simple fault that they were not able to help the President or the party in power once? Because the District Board President cannot succeed, there is no meaning in transferring the employees. If they did take part in the elections, they ought to be punished. This is an example of how the power is abused if time is extended. As I was told that it is for administrative convenience, I ask is this the administrative convenience? Then, Sir, I am really surprised and I never expected that, whatever the Ministers may do in this matter, those permanent Secretaries of the department would be parties to such illegal acts. They may not know the law; they may know as much as I do. Have they consulted the legal adviser? After all it is a pity . . ."

The Hon. the RAJA OF BOBBILI:—"On a point of order, Sir, I hold myself responsible for the acts of Government. I do not think the hon. Member is right in attacking the Secretaries and officials of Government."

Mr. P. PEDDI RAJU:—"I know the Minister takes all responsibility on his shoulders. Any Government Order is passed by the Governor acting with the Ministers. I know the Governor will never sign it."

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But I am attacking the permanent servants of Government who are civilians who are parties to the transaction. If the Minister signs it, it is not sufficient."

The Hon. Sir K. V. REDDI NAYUDU:—"On a point of order, Sir. The hon. Member is entirely mistaken in thinking that the Secretariat is in any way responsible for these things. They do it under the orders of Government. The Ministers or Executive Councillors are responsible. When this is the case, it is most unfair to those who are behind and who have not been in a position to defend themselves in this House to be attacked in this manner."

Mr. P. PEDDI RAJU:—"I am not attacking from behind. I am only suggesting that the Government ought to take the advice on questions of law. Of course hon. Members will be aggrieved when they are attacked. I always knew that when the opposition attacks an hon. Member of Government, they find fault with us. But it is the duty of the opposition to attack the Government whenever they commit mistakes. And after all, Sir, the manager of the joint family need not come to the help of the junior member as the junior member of the family says he can support himself. With that I close the subject. Now, Sir, as you have directed me not to refer to the other question of nomination, I was not able to show how the action of the Government has been atrocious in that respect. But at least these instances will show to the House how the Government have behaved in this matter and I appeal to hon. Members to see that their rights and privileges are not tampered with in this way as and when it pleases the members of Government according to their party principles. I would only say, Sir, that whatever has been done cannot be recalled. The matter has gone up to courts as the Government are aware. I brought in this motion to simply express the regret of this House against the manner in which the Government have been behaving in the matter of the district board elections."

Mrs. A. RUKMANI LAKSHMIPATHI:—"I second it." ✓

Rao Bahadur Sir A. P. PATRO:—"Mr. President, I thought some other persons who have supported the motion would come forward. But I shall obey the Chair."

* The Hon. the PRESIDENT:—"It is not a matter of obeying the Chair. Because no other hon. Member came forward, I called on the hon. Member to speak."

* Rao Bahadur Sir A. P. PATRO:—"Mr. President, Sir, immediately after lunch when we assembled here my hon. Friend the member representing West Godavari has placed in my hands a printed paper purporting to be a note on the West Godavari District Board elections and a statement issued by Kala Venkat Rao, the district congress election officer. This is the printed paper in my hands. I asked him what this was and who was responsible for this. He said it was given to him in order to place it before the members. Therefore, Sir, I wish to know whether I would be relevant. I asked him

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why did he not sign. He said that it had come from a responsible person who knows matters. It has come to me through a responsible source and from a responsible member of this House. So I am referring to it and I ask leave to refer to various allegations referred to here, bribery, corruption, police zulum, sub-collector, tahsildar, circle inspector, sub-inspector, sub-magistrate and all those are referred here. This gentleman seemed to have taken interest in the elections of West Godavari. Therefore I want to know whether I could read any portion from this paper."

* The Hon. the PRESIDENT:—"I am sure the hon. Member can make a speech even without reading it." (Laughter.)

* Rao Bahadur Sir A. P. PATRO:—"So I may refer to any allegations contained in the note of the district congress officer of the West Godavari. Of course my hon. Friends are still in the dark and I do not know if I can refer to it myself. Sir, the only question raised to-day before the House is that the order issued by Government in stopping the counting in Attili firka is arbitrary, highhanded, *ultra vires* and atrocious. But I think either the order is unfair or unjust. Certainly he could very well say that it was *ultra vires*. The mover, a district court pleader, has referred to a law which is rather old and of ancient times and wanted to interpret on that basis and thought the Government had no power. But deliberately he forgot the relevant rule under which Government could interfere in these matters. He further questioned on what information Government took any action in this matter. It should be either by the election officer or should be referred to by the district magistrate or for the matter of that the divisional officer of Narasapur. It should have come from the Narasapur division and otherwise the Government have no facts whatever. My hon. Friend is particular in regard to getting information either from the police or other sources. In this case he has not taken the trouble to enquire a little more which would have shown that the Government had full information with regard to what was going on, as to the way in which elections were conducted in the West Godavari and specially in Attili firka. It is a very important firka according to the case made out by my hon Friend. The Attili village munsif is a very powerful man. He was warned not to interfere in the elections after a time. In spite of police orders, as the hon. Member said, on the 29th October, a party of people were entering into the village by a bus at the instigation of the village munsif. The police were very vigilant. On the other hand at midnight, when a Congress bus entered the village bringing in voters, the police actively assisted them. I do not know what action the Member in charge of the Police would take in the matter, whether he would make enquiries or leave the matter there. Again, it is a fact which is to be found in the representations made, that the police sub-inspector on the day previous to the elections had gone to the villages taking the village munsif with him in his car on a pretence of enquiring into the complaint made to him that there would be disturbance in some places in the areas.

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This village munsif and the police inspector go about, and what is the result of their investigation? The police sub-inspector's record shows nil, no disturbance. The village munsif and the sub-inspector patrol all the areas in the villages. The Attili village munsif as leader was going about canvassing openly for one party or the other. He was going out of the way. I do not say there is anything wrong in taking legitimate interest. But he has been warned before that he shall not take part in elections after a certain hour; he identifies himself with one party and, with the police sub-inspector, goes about the villages trying to influence the people. It is a very serious matter and not one to be easily passed over, since it will affect the future elections also. Therefore I leave it to the hon. Member in charge of the police to say whether or not the circle inspector, the sub-inspector and the village munsif have been actively canvassing in this election. The hon. Member asks what has been done to stop this? The most outstanding fact is this, the police sub-inspector arrested sixteen of the voters, including workers on behalf of the Justice Party, not in their lodgings, not in their houses, but at the polling station while polling was actively going on. (A voice: 'Question.' What is the object?) To scare away people. My hon. Friend was there to witness this kind of thing. I would not say that he was actively responsible for it, but I do say this from the information which I have; we must connect information on one side with information given on behalf of the other side. Here is the police sub-inspector who is most zealous in maintaining peace and order, who is zealous that even-handed justice should be done; this officer out of a sheer sense of duty goes to the polling station and arrests these people, the workers on behalf of the Justice Party. (A voice: 'On what charge?') Heaven knows what it is. Was there any disturbance on that occasion? My friend says that on the 28th there was no disturbance at the polling station. He laid some emphasis on those words. Yet, Sir, there is this outstanding fact, namely, that the police inspector arrested these people at the polling station where they would have been agents. What effect it would have on them, on the general voters and the masses, I leave it to the House to judge. When the police inspector says that he is going to take them to the lock-up"

Mr. P. PEDDI RAJU:—"You have directed me, Sir, when I was speaking, not to refer to any officer. I do not know whether my hon. Friend is justified in criticizing an officer; and the Hon. the Leader of the House as representing them here is glad"

The Hon. Sir K. V. REDDI NAYUDU:—"I am not glad one way or the other."

* The Hon. the PRESIDENT:—"I interfered when hon. Members were bandying with the names of Ayyar and Nayudu. Therefore it will not be quite reasonable that their names should be brought into this debate. The hon. Member I think is trying to make out a case for the non-counting of votes due to certain disturbances or extraneous circumstances."

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Mr. C. RAMALINGA REDDI:—"May I ask, on a point of order, whether attacking an official who is not present here to defend himself would be regarded as fair, especially as probably no notice had been given to the Hon. Member in charge that such an attack on a subordinate officer would be made and he had no occasion to call for the necessary information? It is from that point of view I submit the point of order."

* The Hon. the PRESIDENT:—"I quite see the point, but the hon. Member has taken the role of the Hon. Members on the Treasury Bench; they are here and if they want to defend those officers they are at liberty to do so."

Rao Bahadur Sir A. P. PATRO:—"I only want to say that the hon. Member has just now risen as the defender of the police; I wish he would continue to play that role."

Mr. C. RAMALINGA REDDI:—"May I, on a point of personal explanation, say that I am not here to defend the police or anybody else, but only to ask for fairness, be it to the police or to any other. As for my acting according to the wishes of my hon. Friend, that state of degradation has not yet come upon me." (Laughter.)

Rao Bahadur Sir A. P. PATRO:—"I must congratulate my friend that he escaped it. I hope he may not reach that stage in future."

* The Hon. the PRESIDENT:—"The hon. Member has got only two minutes before him."

Rao Bahadur Sir A. P. PATRO:—"Sir, then, there is also this fact that this Attili village munsif is largely responsible for the disturbance and he and the police were responsible for driving away the voters from the polling station and the agents of the Justice Party being arrested. It will be within the knowledge and experience of this House what effect it will have on persons there at that psychological moment; they would become helpless and they would not be able to vote for you. This is a fact which remains unexplained."

"Now, the hon. Member from West Godavari has referred to the orders issued by Government. Here I would draw the attention of hon. Members to the Rules for the conduct of elections of members to local boards corrected up to 1st October 1934, and Rule 35 is the relevant rule—

'If any question arises as to the interpretation of these rules otherwise than in connexion with an enquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Local Government whose decision shall be final.

'(2) Pending the decision of the Local Government on any such reference made to them or the issue of final orders on any enquiry which the Local Government may institute upon receipt of information that an election is being or about to be held in contravention of the rules, it shall be lawful for the Local Government to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the Local Government under this rule shall be void and of no effect whatsoever.'

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[Sir A. P. Patro]

“So it is not arbitrary; it is not as my friend characterized it, atrocious. In such cases Government can interfere and stop the declarations. Government have not acted unlawfully or done anything atrocious. As members of this House hon. Members have got the right to speak but at the same time Members have got personal interest in the elections. My hon. Friend from West Godavari has got deep personal interest in the elections; he himself said that he was going about from place to place and supervising the elections on that day. He was a witness to what occurred there from 11 to 2 o'clock. Therefore it is personal interest which has induced him to bring this motion, which has been under consideration or contemplation for the last one week, until perhaps this memorandum, dated 3rd November 1935, has been written, printed and circulated. Until then the hon. Member has been taking time, and he has brought it to-day.”

Mr. P. PEDDI RAJU:—“As a matter of personal explanation, I wanted to move this motion, but I also wanted to respect the opinion of the Leaders who had got other engagements. So I had to postpone it to to-day. You know it, Sir.”

Rao Bahadur Sir A. P. PATRO:—“I am very glad that the hon. Member is so loyal and respectful to the leaders of his party. Yet we do not know who they are. The position is this. The procedure or action of the Government is attacked on the ground that it is *ultra vires*. Rule 35 says that Government have every power to interfere with the elections; in this case when they got information of breach of rules on the part of their subordinates, they have done only what they ought to have done.” (Cheers.)

* Mr. G. SRIRAMULU:—“Mr. President, Sir, in opposing the motion 5 p.m. moved by my hon. Friend, Mr. Peddi Raju, who comes from the same district as myself, I may say, Sir, that I know more about the affairs of the place than Mr. Peddi Raju, and before I give the House an account of the things that happened in the West Godavari district in the recent elections, I would like to say that the motion has been made by one who is deeply interested in one party and not by one who is acting disinterestedly. I say that a motion which is made by a gentleman not interested in both the parties will receive due consideration at the hands of the Members of this Honourable House. Sir, from my personal knowledge I say that my hon. Friend, Mr. Peddi Raju, went from booth to booth on behalf of the Congress and also he came to the polling station which is under discussion now.

“My hon. Friend in his attempt to convince the House of the alleged atrocities that were said to have been committed there and in his anxiety to make out a case, forgot to mention certain facts which happened even at the very beginning of this election campaign.”

Mr. C. RAMALINGA REDDI:—“On a point of order, Sir. I do not know whether we are taking evidence on what happened from hon. Members. The whole legal point is, was there a reference on that

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matter to the Hon. the Chief Minister and who made the reference, whether one of the officers entitled to do so or some outside body. It seems to me we are not going into the merits of what happened there."

* The Hon. the PRESIDENT:—"I think Mr. Peddi Raju did mention violence of one party. The hon. Member now speaking is at liberty to say that the violence was of the other party also."

Mr. G. SRIRAMULU:—"My hon. Friend did not put forward all the facts which happened on the date of the election. I am saying that if all the facts are placed before the hon. Members, they will see that there is every justification for the issue of the orders by Government. On the 23rd October 1935, people who were canvassing for the Justice Party had gone to the Attili Malapalli. There it was said that the village munsif of Attili, named Kanumilli Venkatramayya, who is to-day within the precincts of this Honourable House, tried his level best to bribe the Panchama voters, that Rs. 325 had been paid to the Malas and Rs. 150 to the Christians of the place."

* The Hon. the PRESIDENT:—"I think that is beyond the scope of the hon. Member."

Mr. G. SRIRAMULU:—"But apart from that . . ."

Mr. C. RAMALINGA REDDI:—"On a point of order, may I request you, Sir, to see that no statements are made here which, if made outside the House, would give the aggrieved gentleman the right to sue for defamation?"

Mr. G. SRIRAMULU:—"The police were patrolling the firka for ten days before the date of the election and they issued certain orders orally to both sides, the Congress workers as well as the workers for Justice Party, to the effect that no party should enter any hamlet or canvass anywhere after 7 p.m. on any day. But on the date of the alleged occurrence, i.e., on 27th October 1935, there was, according to the statement made by my hon. Friend, a bus taken to a place called Bonthuvaripalem at about midnight. What were the police doing then? The Settibalijas there are illiterate and they did not know what they were asked to do. Had they known that they were going to be taken to the polling booth, they would not have entered the bus at all. By the tricks of the Congress people or by some influence of the village munsif, they somehow or other got into the bus. The village munsif went to the length of saying to me that the Settibalijas were injured in the affair, probably with the hope that I would sympathize with them and that I would not rise up on this occasion. I did not do as they expected. From the information given by Mr. Peddi Raju and from that contained in the printed statement circulated in the name of Mr. Kala Venkata Rao it is clear that only one man lost his teeth and that not a Settibalija but a volunteer. My hon. Friend, Mr. Peddi Raju, said that the bus was smashed. I challenge that statement of Mr. Peddi Raju, because it is that very bus that was taken from the place of incident that morning to the police station."

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Mr. P. PEDDI RAJU:—"My hon. Friend has given some information. May I say that I have seen the bus, and that it was not allowed to be removed and that later on the police took charge of it?"

Mr. G. SRIRAMULU:—"My hon. Friend might not have seen it. It was in good condition when it was taken to the police station. The damage it had suffered was that the glass was slightly broken in the front portion. Even now I challenge the statement of my hon. Friend that the bus was smashed to pieces."

Mr. P. PEDDI RAJU:—"May I know, Sir, whether this is all relevant? He throws out a challenge to me about the condition of the bus."

Mr. G. SRIRAMULU:—"I know the facts. After the bus incident was over, according to the case of Mr. Peddi Raju, and also according to the printed statement of Mr. Kala Venkata Rao, some sixteen volunteers of the Justice Party were arrested in the morning of the date of polling and let off in the evening. Those sixteen people were all leading workers of the Justice Party who were working for the Justice candidates there. This cannot be denied, Sir. Then there was another incident. When the Leader of the Justice Party went to the polling station, he saw one Yella Krishnamurti was arrested by the sub-inspector of police. He is the only remaining worker for the Justice Party. The matter was brought to the notice of the circle inspector, and in spite of protests raised by the Leader of the Justice Party there, Mr. Yella Krishnamurti was removed in a car to a distant place. He was the person that was available to work for the Justice Party there. These seventeen men were removed from the polling station. Is this not an injustice done to the candidates of the Justice Party and to the people coming and voting at the station?"

"Then there was another incident and this also is within the knowledge of my hon. Friend, Mr. Peddi Raju. After these sixteen people were arrested, Mr. Peddi Raju went from polling station to polling station saying that Justice Party people were arrested and Justice Party lost. He went to Jinnur and Podur."

Mr. P. PEDDI RAJU:—"It is absolutely untrue. I have not been to Jinnur."

Mr. G. SRIRAMULU:—"My hon. Friend cannot deny that, because he himself told me so." (Loud laughter.)

* The Hon. the PRESIDENT:—"Order, order."

Mr. G. SRIRAMULU:—"Sir, when sixteen or seventeen people of the Justice Party, who were all working there for the candidates were arrested and when an atmosphere of that kind of despair was created in the minds of the illiterate voters, could it be said that voting was conducted there with legality? Is it not the duty of the Government in such circumstances to interfere to see that justice is done for both parties?"

"My hon. Friend stated that it is only on account of some telegram in which, as he alleged, the President of the District Board wrote to

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Government saying that he would explain the matter in person, that the Government have taken the action for stopping counting of votes. I do not know wherefrom my hon. Friend got the information that the President of the District Board telegraphed as alleged by him. I deny any such telegram and I do not think there is any fact in the allegation that the President wrote that he would explain the matter in person.

"Then, Sir, my hon. Friend, in his anxiety to prejudice the minds of the hon. Members, wrongly interpreted rules 24-B and 35 of the rules for the conduct of elections of members to local boards. The rule 24-B says:

'Where the proceedings at any polling station are seriously interrupted . . . the polling officer shall stop the poll, etc.'

"Evidently, he misunderstood that the order was for the stopping of the poll. It is not so. The order is only for stopping the counting. So the rule 24-B does not support his contention.

"Again, there is the rule 35 to which my hon. Friend did not apply his mind carefully. Rule 35 (2) says:

'Pending the decision of the Local Government on any such reference made to them or the issue of final orders or any enquiry which the Local Government may institute upon receipt of information that an election is being or about to be held in contravention of the rules, . . . prior to the declaration of the results.'

"Mark the words 'in contravention of the rules' and 'prior to the declaration of the results'."

Mr. C. RAMALINGA REDDI:—"Was any enquiry made by the Government?"

Mr. G. SRIRAMULU:—"It is lawful for the Local Government to direct the stay of election proceedings at any stage thereof prior to the declaration of the results.

"Here, Sir, the results have not been declared. The Government are, therefore, perfectly justified in issuing the said order.

"My hon. Friend might say that there are no facts which justify the issue of the order by the Government in this case. There again he will be wrong. He says that out of 1,800 voters, 1,700 voters exercised their franchise. I do not think that information is correct because the boxes are not open and no counting has taken place. That statement he has made only to suit his case. I say from my information that even two-thirds of the voters have not voted. How can the election be legal when one party is at a disadvantage and the other party is given a free hand? Is it not illegal? Can it be said that it is an election validly held? I, therefore, strongly oppose the contention of my hon. Friend, Mr. Peddi Raju, that the Government Order is not justified." (Cheers.)

Mr. C. RAMALINGA REDDI:—"Mr. President, this election seems to have been a most heroic affair if the evidence tendered in this House by hon. Members is to be relied upon. But I think a great deal of the discussion has been, with due submission to my hon. Friends, quite outside the track of relevancy. This House is not an election court. It is here, on this adjournment motion, to judge not according to the

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letter of the law but on the broad principles of constitutional equity whether the interference by the Hon. the Chief Minister has been justified or not. For hon. Members to come and relate all their personal experiences at the election booths and to bandy charges against the subordinate officials and various other people who are not only not here to defend themselves but whose defence cannot be conducted in a non-judicial body like the Legislative Council, is, to say the least of it, to misinterpret their own position and to do injustice to the duties expected of them. I therefore pass by as utterly and hopelessly irrelevant all that has been said about the conduct of police officials and the part alleged to have been played by officials in this election as also that charge of bribery which the hon. Gentleman who preceded me brought against a gentleman whom he named under cover of the privilege of this House. If there has been any misdemeanour on the part of the police, the remedy was open to the candidate or even to the citizens of West Godavari concerned. They ought to have drawn the attention of the Hon. the Home Member or the Hon. the Law Member and requested them to take action.

“ My hon. Friend Sir Patro, in one of those asides loudly made for which he is so famous, when reference was made to the effect that a gentleman in the Indian Civil Service was personally responsible—a Brahman by name, Mr. Viswanatha Ayyar,—and when I asked what is the insinuation, said that he would come to that, but never came. (Interruption.) I am glad to hear from Sir Patro that he very wisely did not come to that point. It would have been greater wisdom if he had not made the insinuation at all at the beginning. I do not know whether I should take notice of these interjections.”

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p.m.

* The Hon. the PRESIDENT:—“ The hon. Member need not take notice of them.”

Mr. C. RAMALINGA REDDI:—“ Since that is the value that you, as President, attach to the interjections of the hon. Gentleman, I am perfectly willing to agree to ignore them as they deserve to be ignored.

“ What then are the points at issue? There were three things on one of which you would not allow discussion on the very valuable ground that it is before the court, viz., the interference with the nominations and the restoration of candidates who had been disqualified by the election officer. The matter is before the court on the merits of which I cannot say anything. The point at issue is whether Government acted wrongly in issuing such an order to restore the nominations of candidates. But in any case there is one curious thing which I would like to mention as it has nothing to do with the prestige or the powers of the Government in this respect, and that is that the order restoring the nomination was issued a day after the election was held. At least as a curiosity, it deserves to be recorded. I have no doubt the Hon. the Chief Minister will have an explanation but be it said that the order restoring the candidates reached there on the 30th, i.e.,

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two days after the election. What use he would make of this I do not know. The restoration order was so belated and so ludicrous that I am unable to understand as to why it was issued."

The Hon. the RAJA OF BOBBILI:—"I may state that telegraphic orders were issued to the election officer who was also the tahsildar of Ellore on the 25th—a single order which covers all these three cases. As the matter was urgent, a telegraphic order was sent. Subsequently order in writing was despatched. The order was to the election officer and not to the individual candidates themselves, because the order was that nominations should be restored."

Mr. C. RAMALINGA REDDI:—"May I know whether the election officer was asked to communicate to the candidates concerned?"

The Hon. the RAJA OF BOBBILI:—"It is the duty of the election officer to communicate to the candidates. All that the Government have done is to give instructions to the election officer to restore the rejected names as valid nominations."

Mr. C. RAMALINGA REDDI:—"Anyhow compared to the major issue whether the Government can restore the nominations as valid, the issue that I have raised is . . ."

The Hon. the RAJA OF BOBBILI:—"It is a matter for the court to decide whether the Government were right in restoring the nominations, because the matter has gone to the court now."

Mr. C. RAMALINGA REDDI:—"Precisely. If my hon. Friend the Chief Minister had waited without interrupting me, he would have understood what I was going to say, viz., whether the election officer could hold the nominations as invalid. Anyhow compared to the major issue whether the Government could restore the nominations as valid, whether what was done by the election officer is right or wrong is a minor issue and I do not wish to pursue that further.

"The next thing is about the famous election at Attili in West Godavari. It seems to have been a very heroic affair as has been shown by the thundering evidence of persons who have spoken here. But they are not the real issues relevant to the discussion. I ask my hon. Friend the Chief Minister to tell us who sent the information that polling could not go on satisfactorily or what was the information that he got. I will put my questions to him in this way: What was the information? Who sent it? Was it one of the officers, viz., the collector or the divisional officer or the polling officer, or was it one of the parties to the elections who is naturally interested in the elections? My hon. Friend who spoke previous to me charged my hon. Friend, Mr. Peddi Raju, the mover of this motion with being an interested party. In one sense we are all interested parties, for we belong to one political organization or the other in the success of which we are naturally interested and it is no crime to be interested in political struggles of this kind. And my hon. Friend who preceded me said that if there is a person disinterested in all these party fights, he would have read his speech with applause. If there was such a

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person, he would hardly have found a place in this Council and even if there was one, he would have gone outside this Council for disburdening himself of his passion for cheap applause. If my hon. Friends would not interrupt me, I do not wish to make remarks of a suppositious nature. To come to the point, was it from one of the parties to the election or from one of the officers who have a statutory right to make this representation that the Hon. the Chief Minister got his information?"

The Hon. the RAJA OF BOBBILI:—"The information that I received was from Rao Sahib Badeti Venkataramayya Nayudu Garu, the President of the District Board and the question whether the Election Officer is to report or not does not arise."

Mr. C. RAMALINGA REDDI:—"That is, I have to take it that the Hon. Minister issued his order on the representation of one of the candidates whose political future was hanging in the balance. The Hon. Minister at any rate could have referred the matter to the District Magistrate and asked him before he sent his order. . . ."

The Hon. the RAJA OF BOBBILI:—"The time available was only a few hours. The Government have not passed any orders which would affect adversely any party. Polling has been completed and we have stopped only the counting."

Mr. C. RAMALINGA REDDI:—"Sir, was this done on the report of the District authorities. . . ."

Mr. C. BASU DEV:—"On a point of order, Mr. President? Is this catechism in order?"

Mr. C. RAMALINGA REDDI:—"I do not know what my hon. Friend's discoveries are. I think he is one of those rare birds which are fit for exhibitions in places other than the Madras Legislative Council."

"To resume my subject, I want to know on whose information he acted. My hon. Friend, Sir Patro, seemed to imply that a large number of representations had been made but that the holding up of counting had been done on the representation of one gentleman, viz., the person most concerned."

"Now I may ask my hon. Friend, who preceded me whether this is not a far more glaring instance of interested information than the information of my hon. Friend, Mr. Peddi Raju."

"The second point is this: on what authority did my hon. Friend the Chief Minister interfere in this matter? The proviso to sub-section (1) of section 38 of the Act as amended by the late Mr. B. Muniswami Nayudu's Bill states as follows:—

'Provided that nothing in this sub-section shall enable the Local Government to set aside any election which has been held.'

"Of course my hon. Friend the Chief Minister's reply would be that Government have not set aside any election, but they have only stopped the counting of votes and it is quite possible that he may order

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the counting to go on. But I ask on what authority he has stopped the counting of votes. Rule 35 of the rules for the conduct of elections of members to Local Boards says:—

‘If any question arises as to the interpretation of these rules otherwise than in connexion with an enquiry held under the rules for the decision of disputes as to the validity of an election, the question shall be referred to the Local Government whose decision shall be final.’

Now here there has been no question as to the interpretation of rules. It is only on the information that polling has been obstructed that my Hon. Friend the Chief Minister has acted. But the information sent as such is not a question as to the interpretation of any rule. Then sub-rule (2) of rule 35 says:—

‘Pending the decision of the Local Government on any such reference.’

Obviously the reference contemplated in the above sub-rule is one to be made by the Election Officer because the rule which refers to the functions of the election officer runs thus:—

‘It shall be lawful for the Local Government to direct the stay of the election proceedings at any stage thereof prior to the declaration of the results.’

Again it says:—

‘Or the issue of final orders on any enquiry which the Local Government may institute.’

“I suppose my hon. Friend’s contention will be that his order is only an interim order to stop the counting of the poll and not a final decision as regards election.”

* The Hon. the PRESIDENT:—“The Hon. Minister is prepared to reply to the debate. The hon. Member may go on uninterrupted.”

Mr. C. BASU DEV:—“I rise to a point of order, Mr. President. Is this method of question and answer, this catechism, in order?”

* The Hon. the PRESIDENT:—“I am sure hon. Members will realize that we should not convert this debate into question time. I have informed the hon. Member that the Hon. Minister is quite prepared to make a reply.”

Mr. C. RAMALINGA REDDI:—“There is only one thing more I want to refer to before I bring my remarks to a close. That point is whether the Hon. Minister took any legal opinion before such an order was issued, whether there was no time to consult legal opinion and finally whether he did not think it best that these questions should be decided by means of election petitions or by election suits in law courts. The whole idea of democracy is that Government should not interfere with elections, because Government is a Party Government and therefore the interference of such a Government, even if it be with the best of motives and on soundest of information is liable to be misconstrued. Human nature being what it is, it is bound to be misconstrued. Government should not interfere in these elections if they want that their good faith should not be questioned. When a Government which is a Party Government interferes in elections, it is doubtless open to various speculations regarding the spirit in which it interferes. I therefore ask whether it would not have been wiser on the part

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of the Hon. Minister to allow these things to go on in the usual way and ask the parties aggrieved to seek remedy in law courts. As regards the extension of lives of the Members, he has got power to extend and we have no dispute with him regarding that. But is he not bound to use it rightly? There is already an order. The order just now issued supersedes the previous order according to which the lives of Members ought to have been terminated on the last day of the last month. No reason is given for issuing such an order. Apparently it is an order which has been issued on the Hon. the Chief Minister's own initiative. There is no reference made to any representation made on this subject. May I ask the Hon. Minister what were the imperative reasons which induced him to extend the lives of Members practically by another month? If there has been any such reason, would it not have been wiser for him to have embodied that in a communiqué, so that people might not think that this order was issued merely to give his partisans who are now in office an opportunity of continuing their operations for safeguarding their own position? It is but right and natural that his partisans should be in office in the local boards, because the Congress and other rival parties should not be allowed to contest these elections in any manner. For that very reason should he not try to hold the scales even so that people might think that whatever may be the parties appearing on the arena, he himself would play the part of umpire? Instead of that, the order under which the presidential election should be held on the 15th of this month is superseded by another under which the election should be held some little time later. Even when this order is superseded, he might have allowed the Collector—a neutral authority—to take charge as at first ordered on the 1st of November and then allowed, if need be, the elections to take place later. Instead of all these, he continues the old board many of whose members have lost their strength. Human nature being what it is, does he think under these conditions that they could be trusted to act in the best interests of the public without any regard to their own selfish interests? My hon. Friend, read out a telegram in which not only actual transfers have been mentioned but even contemplated transfers. The reduction to telegraphic messages of contemplations is a development in modern science. All this is because of the atmosphere which the order has generated. I do think, giving the matter my most careful consideration, that the Hon. the Chief Minister has been guilty of very grave indiscretion if not worse."

5-30
p.m.

The Hon. the RAJA OF BOBBILI:—"Mr. President, Sir, there are two points which have been sought to be urged against Government with regard to the District Board elections in West Godavari. One is with regard to the stopping of the polling in Attili firka and the second is the question of extending the term of office of the members of the district board. Hon. Members on the other side who have moved and supported this motion first of all sought to make out that Government have acted illegally and that Government did not possess

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the necessary powers to interfere in this matter. In this connexion they have quoted various rules and the relevant sections of the Act. First of all, Sir, I wish to deal with the legal aspect of the question. Under section 38 it is open to the Government to interfere in any matter or prohibit the doing of any act which is done in pursuance or under colour of this Act. The proviso says that nothing in this subsection shall enable the Local Government to set aside any election which has been held. This proviso is clearly a limitation of the powers of Government. It says that when once election proceedings are complete, the Government should not interfere. It also means that until election proceedings are completed, the Government have every power and discretion to interfere.

“ Coming to the Election Rules, it is clearly stated here,

‘ Pending the decision of the Local Government on any such reference made to them . . . ’

That reference, my hon. Friend, Mr. C. R. Reddi, says, should necessarily be made by the election or the polling officer. I do not draw any such inference from the rules. The reference may be from the polling officers and his subordinates or it may be from other parties. The rule goes on—

‘ . . . upon receipt of information that an election is about to be held contrary to the rules, it shall be lawful to the Local Government to direct the stay of election proceedings at any stage thereof.’

As far as I am concerned, there is absolutely no doubt as to the validity of the Government Order. Of course it has been stated that Government have committed a grave indiscretion in having passed this order without proper enquiry. The hon. Member representing Chittoor would no doubt himself realize that there was only a few hours’ time between the polling and the counting of the votes and it would not be possible for Government to hold an enquiry before passing an order. I may also state that apart from the communication received from the District Board President, Government have also received other information that there have been a series of arrests in that area. Government, in the discharge of their duties, are entitled to satisfy themselves that these arrests have not materially affected or interfered with the normal conduct of the election on that date. I may therefore state that Government, by this order, have not caused any injury to either party. They have merely ordered that the counting of the votes should be stopped pending the report from the District Officers and I do not see, Sir, how this action of the Government can be criticized, because it is part of their duty to see that the procedure is properly followed and both parties receive fair treatment.

“ Then my hon. Friend, Mr. Peddi Raju who has moved this motion more or less I should say to pay off old scores, has brought in the question of the interpretation of the rules in the Secretariat. He seems to have inferred that from his personal knowledge there was a case where when Mr. Conran Smith was Secretary in charge of Local Self-Government, he ruled that Government had no power to interfere. I do

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not know whether it would be wise for us to infer from the ruling on a particular case that Government have no power to interfere in any case. These are questions which have to be considered on the merits of each case and I may give for the information of the hon. Members of this House a list of cases in which Government have previously interfered. I do not want to take up the time of the House by giving a full list, but I will mention only a few cases:—

13th May 1931.—Order of the Election Officer, Trichinopoly, rejecting the nomination for election to the Srirangam Municipal Council was cancelled under section 36 (1) of the District Municipalities Act.”

Mr. P. PEDDI RAJU:—“ May I ask whether these orders were passed after the declarations were made? ”

The Hon. the RAJA OF BOBBILI:—“ If the hon. Member had waited for a few minutes there would have been no necessity to ask this question. Moreover in the cases now under discussion before the House, the results have not been declared. I would remind my hon. Friend that he is wrong when he refers to cases where results have been declared. As I have been stating from the outset, in this case, election proceedings have not been completed. I proceed to give the list—

23rd May 1932.—Election to two wards in Turaiyur Panchayat stayed. The stay order was cancelled after enquiry.

14th July 1932.—The Election Officer concerned rejected a nomination on the ground that the nominee's name and the names of the proposer and seconder differ from those on the electoral roll. The Government cancelled the rejection under section 38 of the Local Boards Act and directed under rule 35 of the election rules the declaration of the nominee as elected as he was the only nominee.

2nd September 1932.—Order of the Election Officer, Ramachandrapuram, rejecting a nomination on the ground of the nominee being disqualified under section 55 (2) of the Madras Local Boards Act was cancelled. He was also asked to cancel certain declarations made by him as being in violation of the election rules.

9th August 1932.—Government directed under rule 35 of the Election Rules the inclusion of rejected nominees' names in the list of valid nominations.

10th October 1932.—Government cancelled the declaration made by the Election Officer concerned in respect of certain reserved seats in Tinnevely district.

21st October 1932.—Government directed the conduct of fresh polling in respect of certain circles of the South Arcot District Board on account of the irregularities committed by the polling officer.

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29th November 1932.—Government cancelled under section 38 of the Madras Local Boards Act the order of the election officer concerned rejecting a nomination for election to the Ramnad District Board.

I do not want to tire the House by enumerating a catalogue of these cases. But with regard to the conduct of elections to the district boards generally, I should like to read an extract from the judgment of the District and Sessions Judge, Bellary:—

‘On a consideration of these rules, the following general principles may be deduced. The rights of voters and candidates in an election are regulated by rules framed by Government. Candidates are bound by these rules and subject to all the privileges and disadvantages of the rules. The rules give the Election Officer power to reject a nomination roll on any of the four grounds mentioned in rule 7. If any candidate is aggrieved, he is required by the rules to refer the matter to the Local Government under rule 35’

Mr. P. PEDDI RAJU:—“Sir, on these matters I have not been allowed to state anything while the Hon. the Chief Minister has been arguing his case upon this aspect of the matter.”

The Hon. the RAJA OF BOBBILI:—“I fail to understand why”

* The Hon. the PRESIDENT:—“With regard to the rejection and inclusion of nominations, the hon. Mover has not been allowed to state his case. In the same way, the Hon. Minister also would not be in order if he mentions the question of nominations and their rejections. That is what the hon. Member says.”

The Hon. the RAJA OF BOBBILI:—“The word nomination is there. But what I am stating is that according to this judgment, Government have power to interfere in the conduct of these elections. The judgment runs: ‘Any candidate if aggrieved, is required by rules to refer the matter to the Local Government under rule 35. The decision of the Local Government shall be final. No suit shall lie for an injunction in such circumstances, because no civil right has been infringed’ The civil court cannot arrogate to itself the function of the Local Government in the matter of revising erroneous orders passed by election officers. It is only in extreme cases where the Local Government decline to exercise jurisdiction, that civil courts have interfered.”

5-45
p.m.

Mr. C. RAMALINGA REDDI:—“May I ask from the judgment of which court the Hon. Minister is reading?”

The Hon. the RAJA OF BOBBILI:—“District and Sessions Judge, Bellary; the judgment was delivered a few days back. On these grounds the petition was rejected, because the petitioner has not applied to the Government. I hope I have proved conclusively that the Government were right in having interfered in this matter. About the other matters placed before this House by various Members of this House, I am not in a position to express an opinion as a Member of Government until the report on the enquiry is received from the district officers.

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[The Raja of Bobbili]

“ Another point that has been made out is that it is irregular that the Government should exercise their powers in the matter of extending the term of office of the members of the District Board. I may state at the very outset for the information of hon. Members of this House that the term of office of members of not only the West Godavari District Board, but of all the other district boards—about 12 or 14 in number—to which elections are going to be held this year, has been extended.

“ Another point that has been made out is that the order that I passed in my capacity as Minister has superseded my previous order. There has been no such thing. Under the existing Act, if no extension is given, normally the Collectors of the districts become ex-officio Presidents of District Boards. On that account the office has issued a circular that under the provisions of law, the District Collector should take the office. But it has been my opinion that it is not desirable that District Collectors should be saddled with the responsibility of managing the affairs of district boards for any length of time. As it is always necessary and desirable to reduce this interregnum when the Collector would have to be necessarily in charge, I have issued the order extending the term of office of the members of the district boards without making any exception, to 30th November. It is also not a fact that presidents of district boards would otherwise be elected on the 15th November, because no such date has been ever fixed for the election of presidents of district boards. It is desirable that this interregnum should be as short as possible. My hon. Friend, Mr. C. R. Reddi, has stated that this has been done for party advantage, out of the fear that the regime of party presidents would not continue, now that the Congress is, for the first time, contesting the elections and entering local bodies. I have always been one of those who have welcomed the entry of the Congress into politics on constitutional lines. I may also state that my hon. Friend will find that, except in one or two cases, whether the Congress has entered the local boards or not, our party presidents will even in future continue to manage the affairs of district boards.

“ Mr. Peddi Raju stated that the time has come for our party presidents to set their houses in order. I am afraid my hon. Friend is only talking from his own experience and judging others from his own standard. I am glad I have had this opportunity of placing every detail before the public. I welcomed this motion in the morning; although probably there were not 20 persons in support of the motion, I never raised any objection to this motion because I always welcome frank discussion. I hope the hon. House will come to the conclusion from what I have stated and from the speeches of hon. Members who have spoken against this motion, that the action of the Government was absolutely justified in the circumstances.”

* The Hon. the PRESIDENT :—“ May I point out that the hon. Member (Mr. Peddi Raju) has only 10 minutes before him? ”

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Mr. P. PEDDI RAJU:—"Sir, I have been tempted to rise in order to reply to certain points raised. I am first of all sorry that the hon. the Chief Minister has not given us any information that we have asked for. First of all, my hon. Friend, Mr. Reddi and myself have asked what the information before the Government was before the issue of this order. Of course, as a sort of an answer to an interpellation, the Hon. the Chief Minister was pleased to say that it is Rao Bahadur B. Venkataramayya Naidu, President, District Board, that gave the information. We would have been glad if the Hon. the Chief Minister placed that information before this House or had been kind enough to read out what information he had before the Government orders were issued. But before the Hon. the Chief Minister said anything, the hon. Knight from Ganjam has come and begun to say that he knows more about these things, that a number of telegrams, petitions and a number of representations have been made to the Government, in respect of the arbitrary way in which the Police have interfered in the matter of elections and so on. I am sorry that none of these facts has been testified or referred to by the Hon. the Chief Minister. I think the hon. Knight has been drawing from his imagination or has been told something by somebody; he makes bold to say several things here which are not substantiated even by the Government

Rao Bahadur Sir A. P. PATRO:—"My hon. Friend wants the Government to place all these facts before him; the Hon. Minister has no time to disclose all those matters. The Government have shown that they have not done anything wrong."

Mr. P. PEDDI RAJU:—"That is exactly my point; the Hon. the Chief Minister does not give us any information. I do not know if the hon. Knight has got any information from the Hon. Minister or from his Secretary. He makes bold to make certain observations which, I am sorry to say, are not substantiated by the Government. That is all I can say . . ."

(Interruptions from Rao Bahadur Sir A. P. Patro.)

* The Hon. the PRESIDENT:—"Sir A. P. Patro has had his turn."

Mr. P. PEDDI RAJU:—"The Hon. the Chief Minister has given a long quotation with regard to Government interference in the matter of elections . . ."

Mr. G. SIMHACHALAM PANTULU:—"On a point of order, Sir. The hon. Member's speech is not at all pertinent to the question under discussion."

* The Hon. the PRESIDENT:—"The hon. Member will please resume his seat; this is no point of order, at all."

Mr. P. PEDDI RAJU:—"I am yet to see whether any of the matters of interference of the Government was of the kind I have mentioned; none of such instances has been brought to our notice. The Hon. the Chief Minister has given some instances and I can understand that such interference was justified. There is no case where the Government have interfered after the polling is over or after the declarations are made.

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"Then, Sir, the Hon. the Chief Minister has unfortunately referred to me personally. I do not know to what he is referring. He said that I was judging people by my own conduct. If the Hon. the Chief Minister refers to my presidentship, I would only say that he and his partymen have tried to attack me behind my back; they took three years' time and have wasted a sum of Rs. 15,000 of the district board money to have an investigation without any word of intimation to me of what they were doing. They spent Rs. 15,000; they wasted the amount and they ate their own words and kept quiet, because they were unable to prove anything against me; they wanted to persecute me and my partymen and they did so . . ."

Diwan Bahadur A. APPADURAI PILLAI:—"There is no time at the disposal of the House."

* The Hon. the PRESIDENT:—"The hon. Member seems to be quite new to the Standing Orders; the hon. Member will wait and see what happens."

"May I once again remind the hon. Member (Mr. Peddi Raju) that he has to close his remarks soon, if he wants the motion voted upon; otherwise it will be talked out."

Mr. P. PEDDI RAJU:—"If I raised this debate, it is only to express our sense of feeling that all is not going on well. I would appeal to the House to see that similar things do not happen in future; otherwise the rights and privileges of people will be interfered with. It is for that purpose I brought forward this motion; I do not want the House to vote upon this motion; the Hon. Minister, I know, has power in his hands and he has got a backing. I do not care for the vote of this House; I would only appeal to him . . ."

Rao Sahib N. SIVA RAJ:—"Is the hon. Member in order to say that he does not care for the vote of the House?"

* The Hon. the PRESIDENT:—"The hon. Member did not really mean what he had said?"

Mr. P. PEDDI RAJU:—"So far as my failure is concerned, I do not care. I am only appealing to hon. Members of this House to see whether we are not justified in bringing forward this motion before the House, because we feel there is something wrong in the way in which things are done."

"The Hon. the Chief Minister referred to section 38 of the Act; they read only a particular clause. In my first speech I wanted the House and the Hon. Minister and the department concerned to read the section fully and see if it has got anything to do with elections at all. What the section refers to is this:—

'The Local Government may, by order in writing—
suspend or cancel any resolution passed, order issued, or licence or permission granted, or
prohibit the doing of any act which is about to be done or is being done in pursuance or under colour of this Act, if, in their opinion, such resolution, order, licence, permission, or act has not been legally passed, issued, granted or authorized, or

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such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or any other law, or

the execution of such resolution or order, or the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray.'

" In such cases the Government may interfere, if they are supported by a resolution of the local board. In 50 M.L.J., it has been held that Government should not interfere in the matter of elections and set aside any election. The Hon. the Chief Minister and Sir Patro have quoted rule 35. They read the second sub-rule; they forgot the first sub-rule. It says that the matter should have been referred to Government for interpretation of rule either by any election officers or by the candidate or any person interested. Then only they can issue an order. Was there any case of interpretation of the rules in this case?

" Then, Sir, the Hon. the Chief Minister stated that he is very anxious that the Congress party should come into politics take part in elections, etc. If any matter is taken to the notice of the Government—I know of several cases which were taken to the notice of the Government by Congress partisans; with regard to Tinnevely, several telegrams were sent to the Government . . . "

* The Hon. the PRESIDENT:—" The time allotted for the discussion of the adjournment motion being over, the motion is talked out."

The House then adjourned to meet again at 11 a.m. The next day.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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TRUTH ALONE TRIUMPHS